

FIRST REGULAR SESSION

# SENATE BILL NO. 244

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Read 1st time January 26, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1115S.011

## AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to personal care services for certain disabled adults.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 191, RSMo, is amended by adding thereto one new  
2 section, to be known as section 191.875, to read as follows:

**191.875. 1. The division of senior and disability services within  
2 the department of health and senior services shall, subject to  
3 appropriations, establish a pilot project to allow relative caregivers to  
4 provide personal care assistance services, as such term is defined in  
5 section 208.900, RSMo, for disabled adults who cannot self-direct their  
6 care. The division shall not limit participation in the project by  
7 geographic region, but may limit the number of participants based on  
8 available appropriations for the pilot project.**

9 **2. To be eligible for the pilot project, participants shall meet the  
10 following criteria:**

11 **(1) The disabled adult shall have a physical or mental disability  
12 that necessitates assistance with personal care;**

13 **(2) The disabled adult is unable to self-direct his or her care;**

14 **(3) Personal care for the disabled adult is provided by a parent,  
15 family member, or legal guardian who has successfully completed the  
16 medical training necessary to meet the disabled adult's needs;**

17 **(4) All personal care services provided to the disabled adult by  
18 the caregiver shall be physician-ordered and the relative caregiver  
19 shall be approved by the physician;**

20 **(5) The disabled adult and his or her relative caregiver shall  
21 cooperate with appropriate quality assurance protocols established by**

22 the division to ensure integrity of the pilot project services; and

23 (6) Any other criteria established by rule of the division to  
24 ensure the needs of disabled adults are met.

25 3. The relative caregivers of participants in the program shall  
26 receive state assistance for personal care services provided to a  
27 participant in the same manner as caregivers providing consumer-  
28 directed personal care services for disabled adults.

29 4. By December 1, 2013, the division shall evaluate the  
30 effectiveness of the pilot project as it relates to quality of care,  
31 participant satisfaction, and feasibility of continuing the program  
32 statewide. Such evaluation shall be submitted to the department,  
33 governor, and general assembly.

34 5. The division shall promulgate rules to implement the  
35 provisions of this section. Any rule or portion of a rule, as that term is  
36 defined in section 536.010, RSMo, that is created under the authority  
37 delegated in this section shall become effective only if it complies with  
38 and is subject to all of the provisions of chapter 536, RSMo, and, if  
39 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
40 are nonseverable and if any of the powers vested with the general  
41 assembly pursuant to chapter 536, RSMo, to review, to delay the  
42 effective date, or to disapprove and annul a rule are subsequently held  
43 unconstitutional, then the grant of rulemaking authority and any rule  
44 proposed or adopted after August 28, 2009, shall be invalid and void.

45 6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

46 (1) Any new program authorized under this section shall  
47 automatically sunset six years after the effective date of this section  
48 unless reauthorized by an act of the general assembly; and

49 (2) If such program is reauthorized, the program authorized  
50 under this section shall automatically sunset twelve years after the  
51 effective date of the reauthorization of this section; and

52 (3) This section shall terminate on September first of the  
53 calendar year immediately following the calendar year in which a  
54 program authorized under this section is sunset.

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